

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BERTRAM LOEB,

Plaintiff,

v.

BANK OF AMERICA

and

HERBERT S. GARTEN, ESQUIRE,

SHELDON G. DAGURT, ESQUIRE,

FEDDER AND GARTEN PROFESSIONAL
ASSOCIATION,

Defendants.

CIVIL ACTION NO.

02-CV-3833

**MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM IN FURTHER SUPPORT
OF THE LAW FIRM DEFENDANTS' MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND FOR IMPROPER VENUE OR, IN THE
ALTERNATIVE, TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)**

Pursuant to Local Rule 7.1(c) of the Eastern District of Pennsylvania, Defendants Herbert S. Garten, Esquire, Sheldon G. Dagurt, Esquire, and Fedder and Garten Professional Association ("Law Firm Defendants") request this Court's permission to file the attached Reply Memorandum in response to Plaintiff's Brief in Opposition to Defendants' Motions To Dismiss, Motions To Transfer Venue, Motion To Require A More Definite Statement And Motion To Strike Irrelevant Allegations. In support of this Motion, the Law Firm Defendants aver as follows:

1. On August 19, 2002, the Law Firm Defendants filed a Motion to Dismiss for Lack of Personal Jurisdiction and for Improper Venue, or in the Alternative, to Transfer Pursuant to 28 U.S.C. § 1404(a).¹

2. On October 3, 2002, Plaintiff Bertram Loeb filed an Opposition to the Defendants' Motions to Dismiss, Motions to Transfer Venue, Motion to Require a More Definite Statement and Motion to Strike Irrelevant Allegations.²

3. The Law Firm Defendants seek permission to file this Reply Memorandum to address certain legal arguments and misconstrued case law set forth in Plaintiff's Opposition.

4. The filing of a Reply Memorandum will not delay the matter because the Memorandum is hereby being submitted with this Motion.

WHEREFORE, for all the foregoing reasons, the Law Firm Defendants respectfully request that the Court permit them to file the Reply Memorandum attached hereto at Exhibit "A."

¹ On the same date, the Law Firm Defendants also filed a Motion to Adopt and Incorporate Defendant Bank of America's Motion to Dismiss the Plaintiff's Complaint for Failure to Comply with the Applicable Law; Or, In the Alternative, to Transfer Venue to the District of Maryland; Or, In the Further Alternative, To Require a More Definite Statement and to Strike Irrelevant Allegations.

² Plaintiff consolidated his responses to Defendants' motions into one brief.

Respectfully submitted,

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Attorneys for Defendants
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Dated: October 9, 2002

CERTIFICATE OF SERVICE

I, Charlene Keller Fullmer, Esquire, hereby certify that on this 9th day of October, 2002, a true and correct copy of the foregoing Motion for Leave to File Reply Memorandum and the attached Reply Memorandum in Further Support of Law Firm Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and for Improper Venue or, in the Alternative, to Transfer Pursuant to 28 U.S.C. 1404(a) were served via facsimile and first-class mail upon the following persons:

Paul A. Logan, Esquire
Malcolm B. Jacobson, Esquire
Thomas J. Bogar, Esquire
Kevin K. Carton, Jr., Esquire
Powell, Trachtman, Logan, Carrle,
Bowman & Lombardo, P.C.
475 Allendale Road, Suite 200
King of Prussia, Pennsylvania 19406;

and

Mark A. Klugheit, Esquire
Erin A. Brennan, Esquire
Dechert
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, Pennsylvania 19103.

Charlene Keller Fullmer

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ORDER

AND NOW, this _____ day of _____, 2002, upon consideration of the Motion for Leave to File a Reply Memorandum in Further Support of The Law Firm Defendants' Motion to Dismiss for Lack of Personal Jurisdiction and for Improper Venue or, In the Alternative, to Transfer Pursuant to 28 U.S.C. § 1404(a), it is hereby ORDERED and DECREED that Law Firm Defendants' Motion is GRANTED.

IT IS FURTHER ORDERED that the Clerk shall accept the Law Firm Defendants' Reply Memorandum for filing and shall mark it filed as of this date.

J.